

FILED

2022 FEB -9 AM 10:59

U.S. DISTRICT COURT

CHRISTOPHER CHIOU  
Acting United States Attorney  
District of Nevada  
Nevada Bar Number 14853  
JOSHUA BRISTER  
Assistant United States Attorney  
501 Las Vegas Boulevard South  
Suite 1100  
Las Vegas, Nevada 89101  
702-388-6370 (phone)  
702-388-5087 (fax)  
joshua.brister@usdoj.gov  
*Attorney for the United States of America*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

KEVIN CHRISTOPHER KALE,

Defendant.

Case No. 2:22-MJ-105-VCF

**COMPLAINT** for violations of:

18 U.S.C. §§ 922(a)(6) and 924(a)(2) –  
False Statement in Acquisition of a  
Firearm

Before the Honorable Cam Ferenbach, United States Magistrate Judge, Las Vegas,  
Nevada, the undersigned Complainant, being duly sworn, deposes and states:

**COUNT ONE**

False Statement in Acquisition of a Firearm  
(18 U.S.C. §§ 922(a)(6) and 924(a)(2))

On or about August 18, 2021, in the State and Federal District of Nevada,

KEVIN CHRISTOPHER KALE,

defendant herein, in connection with the acquisition of firearms, to wit:

1. a Ruger LCP, .380 caliber pistol, bearing serial number 372463405;
2. a Ruger EC9S, 9mm pistol, bearing serial number 459-68942;

3. a Ruger LCP II, .380 caliber pistol, bearing serial number 380660725;
4. a Smith and Wesson 637-2, .38 caliber revolver, bearing serial number DPB6084;
5. a Beretta APX, 9mm pistol, bearing serial number AXC055018;
6. a Glock 43X, 9mm pistol, bearing serial number BUDN699;
7. a Springfield Hellcat, 9mm pistol, bearing serial number BA387172;
8. a Sig Sauer P365, 9mm pistol, bearing serial number 66B644749;
9. a Kimber Micro 9 STG, 9mm pistol, bearing serial number PB0409015;
10. a Kimber Micro 9, 9mm pistol, bearing serial number TB0053638;
11. a Kimber Stainless II, .45 caliber pistol, bearing serial number K793570;
12. a Pioneer Arms/Radom Hell Pup, 9mm pistol, bearing serial number PAC1155404;
13. a Masterpiece Arms MPA30DMG, 9mm pistol, bearing serial number FX26335; and
14. an ABC Rifle Co. ABC-15, 5.56 caliber pistol, bearing serial number 77-7286, from "S&S Wholesale Arms," a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, knowingly made and caused to be made a false and fictitious written statement to "S&S Wholesale Arms," which statement was intended and likely to deceive "S&S Wholesale Arms," as to a fact material to the lawfulness of such sale of said firearms to the defendant under Chapter 44 of Title 18, United States Code, in that KEVIN CHRISTOPHER KALE did complete and execute a Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 Firearms Transaction Record, wherein KEVIN CHRISTOPHER KALE represented he was the actual transferee/buyer of the firearms,

1 when in fact, and as KALE well knew, he was acquiring the firearm on behalf of another  
2 person, all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

3 **PROBABLE CAUSE AFFIDAVIT**

4 Your Complainant, as a Special Agent ("SA") with the Bureau of Alcohol, Tobacco,  
5 Firearms, and Explosives ("ATF"), states the following as and for probable cause:

6 1. Your Complainant is a Special Agent with ATF, a component of the United  
7 States Department of Justice, and has been so employed since May 2016. Your Complainant  
8 is currently assigned to the ATF Las Vegas Group II Crime Gun Intelligence Task Force.  
9 As an ATF Special Agent, Your Complainant has successfully completed the Criminal  
10 Investigator Training Program and Special Agent Basic Training at the Federal Law  
11 Enforcement Training Center in Glynco, Georgia, and has conducted and participated in  
12 both state and federal investigations including, but limited to, the trafficking of firearms and  
13 the illegal possession of firearms.

14 2. The following information contained within this criminal complaint is based  
15 upon Your Complainant's participation in this investigation as well as information and  
16 reports provided to me by other law enforcement personnel. This statement does not include  
17 all information in reference to this investigation, but rather only those facts necessary to  
18 establish probable cause.

19 **FACTS ESTABLISHING PROBABLE CAUSE**

20 3. Your Complainant has reviewed an ATF Form 4473/Firearms Transaction  
21 Record that documents the transfer of 14 firearms from "S&S Wholesale Arms," a federal  
22 firearms licensee ("FFL"), to Kevin Christopher Kale ("KALE"). Form 4473 is a form  
23 promulgated by the ATF that is completed when a person purchases a firearm from an FFL.  
24

Form 4473 requires the purchaser to show proof of name, address, date of birth, government-issued photo ID, NICS background check transaction number, and a short affidavit stating that the purchaser is eligible to purchase firearms under federal law. The first “Yes” or “No” question (#21.a) on Form 4473 asks the purchaser, “Are you the actual transferee/buyer of the firearm(s) listed on this form?” This question is directly followed by a warning: “Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.” KALE provided his personal identifying information on the form and signed the second page of the form indicating that his answers on the form are true, correct, and complete. On question 21.a, KALE marked the “yes” box, indicating that the firearms purchased were for him. He signed the form on August 18, 2021. He recertified the form on August 19, 2021, indicating that all responses on the form were still true, correct, and complete. The form indicated that the following firearms were acquired by KALE on August 19, 2021:

- a. a Ruger LCP, .380 caliber pistol, bearing serial number 372463405;
- b. a Ruger EC9S, 9mm pistol, bearing serial number 459-68942;
- c. a Ruger LCP II, .380 caliber pistol, bearing serial number 380660725;
- d. a Smith and Wesson 637-2, .38 caliber revolver, bearing serial number DPB6084;
- e. a Beretta APX, 9mm pistol, bearing serial number AXC055018;
- f. a Glock 43X, 9mm pistol, bearing serial number BUDN699;
- g. a Springfield Hellcat, 9mm pistol, bearing serial number BA387172;
- h. a Sig Sauer P365, 9mm pistol, bearing serial number 66B644749;

- i. a Kimber Micro 9 STG, 9mm pistol, bearing serial number PB0409015;
- j. a Kimber Micro 9, 9mm pistol, bearing serial number TB0053638;
- k. a Kimber Stainless II, .45 caliber pistol, bearing serial number K793570;
- l. a Pioneer Arms/Radom Hell Pup, 9mm pistol, bearing serial number PAC1155404;
- m. a Masterpiece Arms MPA30DMG, 9mm pistol, bearing serial number FX26335; and
- n. an ABC Rifle Co. ABC-15, 5.56 caliber pistol, bearing serial number 77-7286;

4. In addition, "S&S Wholesale Arms" provided two receipts documenting KALE's acquisition/purchase of the 14 firearms. The first receipt was dated August 18, 2021, which indicated KALE paid \$300 in cash and \$9 on his debit card for a total of \$309. This receipt for \$309 was for a Ruger LCP, .380 caliber pistol, bearing serial number 372463405, tax, and fee for the background check.

5. The second receipt was dated August 19, 2021, which included the additional above listed 13 firearms; the receipt indicated that KALE paid \$8,200.00 in cash for the rest of the guns.

6. On January 31, 2022, ATF investigators conducted a recorded interview with KALE. Before the interview began, KALE waived his *Miranda* rights and agreed to answer questions from investigators. In the interview, KALE admitted that he met someone he knew as "Dave" who he identified from a photograph as David Owen Ivar<sup>1</sup> ("IVAR").

---

<sup>1</sup> David Owen Ivar is charged in Case Number 2:21-cr-00302-JCM-DJA with Conspiracy in violation of 18 U.S.C. § 371; False Statement in Acquisition of a Firearm and Aiding

1 KALE stated that IVAR asked him to purchase firearms for him and that IVAR knew he  
 2 was hurting for money. KALE also admitted that he believed IVAR was not able to purchase  
 3 firearms for himself because of his prior time spent in jail. He stated he later found out from  
 4 someone else that IVAR had a criminal record. KALE described how IVAR would provide  
 5 him with a paper list of the exact firearms to purchase. IVAR would instruct KALE which  
 6 store to go to, and to purchase firearms with the cash IVAR would provide. KALE stated  
 7 the 14 firearms he acquired from "S&S Wholesale Arms" on August 19, 2021 were for IVAR,  
 8 and that he transferred them to IVAR shortly after purchase.

9 CONCLUSION

10 7. Based upon the information set forth in this application, your Complainant  
 11 respectfully submits that there is probable cause to believe that KEVIN KALE did commit a  
 12 violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

13  
 14 Respectfully submitted,

15 *James Gustaw*

16 Special Agent James Gustaw  
 17 Bureau of Alcohol, Tobacco, Firearms  
 and Explosives

18 Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 19 telephone on this 9<sup>th</sup> day of February, 2022

20   
 21 UNITED STATES MAGISTRATE JUDGE

22  
 23 \_\_\_\_\_  
 24 and Abetting in violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2; and Felon in  
 Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).